

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROBERT BOSCH, LLC.,)
Plaintiff,)
v.) Civ. No. 08-542-SLR
PYLON MANUFACTURING CORP.,)
Defendant.)

MEMORANDUM ORDER

At Wilmington this 12th day of April, 2010, having heard oral argument regarding, and having reviewed the papers submitted in connection with, various motions in limine;

IT IS ORDERED that:

1. Pylon's motion *in limine* to preclude Bosch from offering the post-discovery opinions presented in any declaration of Steven Dubowsky is granted with respect to his supplemental expert report executed on April 8th, 2010. In this supplemental expert report, Dr. Dubowsky equates "bracing the wiper blade," as claimed by the '434 patent, with "touching" the support element and the wiper strip. This new theory is inconsistent with the specification of the '434 patent, both parties' proffered claim constructions, and the construction adopted by the court.

2. Bosch's motions *in limine* to limit the prior art references that Pylon may be permitted to rely on as invalidating prior art is granted to the extent shown in the attached Exhibit A. The parties are instructed that the unavailability of a given reference or theory is indicated by a solid line through the respective reference or

theory.

3. Bosch's motion *in limine* to preclude Pylon from arguing derivation, incorrect inventorship or inequitable conduct with respect to the '974, '434 and '905 patents based on any contentions other than those presented in Pylon's Second Amended Answer, Affirmative Defenses and Counterclaims and contentions is granted to the following extent:

- a. Pylon may present the testimony of Adriaan Swanepoel in support of the theory that he conceived of the subject matter of the '974, '434 and '905 patents.
- b. Bosch may depose Mr. Swanepoel regarding the subjects of derivation, sole inventorship and the fee he will receive for his testimony, any such deposition not to exceed one (1) hour.
- c. Bosch may call upon Mr. Swanepoel during its case-in-chief.



United States District Judge